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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/657,459

09/08/2003

David Robert Kalb

9352-1

9795

7590

06/16/2006

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EXAMINER

FERGUSON, LAWRENCE D

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,459

Applicant(s)

KALB ET AL.

Examiner

Lawrence D. Ferguson

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment mailed December 2, 2005.
Claims 1 and 5 were amended and claims 2 and 6 were cancelled rendering claims 1, 3-5 and 7 pending.

Claim Rejections – 35 USC § 102(b)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-5 and 7 are rejected under 35 U.S.C. 102(b) as being unpatentable over Mirza (U.S. 6,347,471).

Mirza discloses a multi-layered signage apparatus wherein the material displayed may be easily replaced comprising a message holder (frame) having a front (plastic film) and back panel used to display one or more replaceable signs or messages including instructions, notes, bulletins and other documents (column 1, lines 12-64 and column 2, lines 11-30) which are conventionally alphanumeric. The reference discloses a sign or message can be viewed from the front panel and another sign or message can be viewable from the rear panel (column 5, lines 52-62) which a single viewer looking at

Art Unit: 1774

the sign can see a sign or message on the cover sheet 15(b) and a sign or message on 15(a). Signs 15(b) (cover sheet) and 15(a) are removable sheets having additional signs or viewable items 15(c) between the two signs, which are not visible (opaque) (column 4, lines 60-65 and Figures 5-6).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crum (U.S. 6,982,114) teaches a plastic enclosure (frame) for temporarily retaining documents, printed indicia or photographs, comprising an opaque sheet and transparent sheet, where the transparent sheets comprise a document that can be viewed on each face of the document (column 1, lines 12-39). Additionally, Delaquila et al (U.S. 5,832,643) teaches a display sign for present alphanumeric or graphics having a changeable display sign having a plurality of indicia bearing panels removeably attached to a translucent back panel (column 1, lines 3-10).

Response to Arguments

5. Rejection made under 35 U.S.C. 112, first paragraph, is withdrawn due to Applicant showing support for the phrases, "removable cover sheet" and "sign includes said alphanumeric information on said removable cover sheet and a graphic image from one of said opaque sheets" in the specification.

Applicant's arguments regarding the rejection made under 35 U.S.C. 102(b) as being unpatentable over Mirza (U.S. 6,347,471) has been considered but is

Art Unit: 1774

unpersuasive. Applicant argues Mirza does not teach the added claimed limitation which states "wherein a single viewer looking at said sign sees said alphanumeric information on said cover sheet and a graphic image on said one or more opaque sheets." Examine respectfully disagrees because Mirza discloses a sign or message can be viewed from the front panel and another sign or message can be viewable from the rear panel (column 5, lines 52-62) which a single viewer looking at the sign can see a sign or message on the cover sheet 15(b) and a sign or message on 15(a).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is 571-272-1522. The examiner can normally be reached on Monday through Friday 9:00 AM – 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


Art Unit: 1774

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



L. Ferguson
Patent Examiner
AU 1774



RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 6/12/06